



California Regional Water Quality Control Board

San Diego Region

Linda S. Adams
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>



Arnold
Schwarzenegger
Governor

October 19, 2009

Certified Mail – Return Receipt Requested
Article Number: 7009 1410 0002 2347 6170

In reply refer to:
745397:jrobertus

Mr. Tony Heinrichs
City of San Diego
9370 Chesapeake Drive, Suite 100
San Diego, CA 92123

Dear Mr. Heinrichs:

**SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality
Certification for Tijuana River Valley Emergency Channel
Maintenance Project, 09C-077**

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) with acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have received State Water Quality Certification for the Tijuana River Valley Emergency Channel Maintenance Project. A description of the project and location can be found in the project information sheet and on location and site maps compiled by the California Regional Water Quality Control Board, San Diego Region (Regional Board), which are included as Attachments 1 through 5.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is timely received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the Regional Board including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



W000N\0N\0H

October 19, 2009

In the subject line of any response, please include the requested **"In reply refer to:"** information located in the heading of this letter. If you have any questions regarding this notification, please contact me directly at 858-467-2952 or by email via jrobertus@waterboards.ca.gov.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 09C-077 for Tijuana River Valley Emergency Channel Maintenance Project, with 5 attachments

cc: Refer to Attachment 2 of Certification for Distribution List.

File No. 09C-077
WDID: 9 000001976
CIWQS
Reg. Measure ID: 371693
Place ID: 745397
Party ID: 5020071



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Action on Request for
Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

PROJECT: Tijuana River Valley Emergency Channel Maintenance,
Water Quality Certification 09C-077,
WDID Number 9000001976

APPLICANT: Tony Heinrichs
City of San Diego
9370 Chesapeake Drive, Suite 100
San Diego, CA 92123

CIWQS
Reg. Meas. ID: 371693
Place ID: 745397
Party ID: 520071

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The City of San Diego has proposed a one time, emergency action to restore flood control facilities to reduce the chance of flooding, and alleviate the severe imminent threat to life and property posed by the upcoming 2009 rainy season in the Tijuana River Valley.

The storms during the 2008 winter filled the Tijuana River Pilot Channel and Smugglers Gulch with debris and sediment. The National Oceanic and Atmospheric Administration is forecasting El Nino weather conditions for Southern California during the 2009 winter, which may bring above average rainfalls and increase the possible risk for flooding in the Tijuana River Valley. There is also the potential for additional sediment loads to be discharged from the Border Fence Project, constructed in 2008, during storm events.

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Recycled Paper



WOODN\ON\OH

The proposed project is located just north of the International Border in the Tijuana River Valley. The one time, emergency actions include dredging 5,400 linear feet of the Tijuana River Pilot Channel and 1,600 linear feet of Smuggler's Gulch; performing maintenance on a gabion rock mattress, access routes, and an erodible berm that runs along the north bank of the Pilot Channel; and also performing manual vegetation removal along the Northern Channel.

STANDARD CONDITIONS:

The following three standard conditions apply to all 401 Water Quality Certification (Certification) actions, except as noted under Condition 3 for denials (Action 3).

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330, and Title 23 of the California Code of Regulations (23 CCR) section 3867.
2. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, City of San Diego must satisfy the following:

A. GENERAL CONDITIONS:

1. This Certification expires five years from the date of issuance.
2. City of San Diego must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this Certification and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would

require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.

3. During construction, City of San Diego must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
4. City of San Diego must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Certification.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - d. Sampling of any discharge or surface water covered by this Order.
5. City of San Diego must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials; to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
6. City of San Diego must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
7. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the Regional Board in accordance with the following terms.
 - a. Transfer of Property Ownership: City of San Diego must notify the Regional Board of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that City of San Diego has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the Certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive officer of the Regional Board within **10 days** of the transfer of ownership.

- b. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements shall include a signed statement from an authorized representative of the new party (transferee) *demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Regional Board under Water Code section 13385, subdivision (a).* Notification of transfer of responsibilities meeting the above conditions must be provided to the Regional Board within **10 days** of the transfer date.
8. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of the Clean Water Act section 401(d), the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
9. In response to a suspected violation of any condition of this Certification, the Regional Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
10. In response to any violation of the conditions of this Certification, the Regional Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.
11. **The issuance of this Certification only applies to the one time, emergency actions** as proposed in the 401 application and the engineering plans, specifications and technical reports submitted to the Regional Board, to support this Certification and all subsequent submittals required as part of this Certification and as described in Attachment 1. Additional work beyond this scope or for continued regular maintenance is **not** authorized by this Certification.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, City of San Diego must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.

2. City of San Diego must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. These General Waste Discharge Requirement are accessible at:
http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
3. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the Regional Board pursuant to CWC § 13260.
4. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
5. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
6. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
7. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
8. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to Beneficial Uses of waters of the State. Removal of vegetation must occur outside of the avian nesting season (March 15- August 31).
9. Removal and disposal of exotic invasive species shall be done in a manner that prevents the spread of exotic invasive species to other areas.

10. All of the one time, emergency actions must be **completed by February 15, 2010**.
11. The dredged sediment will be temporarily stockpiled at three separate staging areas as described in the *Tijuana River Valley Emergency Channel Maintenance Project Description*, (City of San Diego, October 1, 2009).
12. Management of dredged sediment stockpiles temporarily stored at the staging areas must at all times comply with R9-2007-0104 Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region, Conditional Waiver 8.

C. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE

1. Mitigation for the one time, emergency actions, which has the potential to spread exotic invasive species within, adjacent to, and downstream from the project footprint that will result in temporary impacts to 3.37 acres (6,000 linear feet) of wetlands and 1.47 acres (1,500 linear feet) of streambed must be achieved at a 1:1 ratio with the eradication of exotic invasive species within the project footprint.
2. City of San Diego must submit a mitigation and monitoring plan to the Regional Board within 60 days of issuance of this Certification for Regional Board approval.
3. City of San Diego must submit a report (including topography maps) to the Regional Board within 60 days of completion of approved mitigation project, describing as-built status of the mitigation project.
4. The mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.
5. Throughout the mitigation maintenance and monitoring program mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the onsite mitigation areas.
6. Any mitigation maintenance activities that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement

of dead native plant species and remedial measures deemed necessary for the success of the restoration program.

7. Mitigation maintenance and monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to December 1 of each year. Monitoring reports must include, but not be limited to, the following:
 - i. Names, qualifications, and affiliations of the persons contributing to the report;
 - ii. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data, including at a minimum;
 - iii. Topographic complexity characteristics at each mitigation site;
 - iv. Upstream and downstream habitat and hydrologic connectivity;
 - v. Source of hydrology;
 - vi. Width of native vegetation buffer around the entire mitigation site;
 - vii. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - viii. Photodocumentation from established reference points (see D.1);
 - ix. A Survey report documenting boundaries of mitigation area; and
 - x. All other items specified in the final mitigation and monitoring plan.

D. STREAM PHOTO DOCUMENTATION PROCEDURE

1. City of San Diego and its successors, must conduct photo documentation of the project site, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment Number 5. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. City of San Diego must submit this information in a photo documentation report to the Regional Board with the Project Completion Report and in Mitigation Maintenance and Monitoring reports. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

E. GEOGRAPHIC INFORMATION SYSTEM REPORTING

1. City of San Diego must submit Geographic Information System (GIS) shape files of the impact and mitigation areas within 90 days of project impacts. All impact shapefiles must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

F. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
3. City of San Diego must submit a report to the Regional Board within 30 days of completion of the project. The report should include legible as-built drawings no bigger than 11" x 17" and stream photo documentation (see D.1) of the completed project.
4. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

5. City of San Diego must submit reports required under this Certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 09C-077
9174 Sky Park Court, Suite 100
San Diego, California 92123

6. Required Reports: The following list summarizes the reports, excluding spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Notification	A.7	As necessary
Mitigation and Monitoring Plan	C.2	Within 60 days of issuance of this Certification
Mitigation Report	C.3	Within 60 days of mitigation project completion
Mitigation Maintenance and Monitoring Report	C.7	December 1 of each year
GIS Shape Files	E.1	Within 90 days of project impacts
Project Completion Report	F.3	Within 30 days of project completion

CEQA FINDINGS:

1. The City of San Diego is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and determined on September 22, 2009, that the Project is exempt from CEQA as an emergency under CEQA Guidelines Title 14, California Code of Regulations, section 15269 (14 CCR § 15269). The City of San Diego has determined the accumulation of sediment and trash in the Tijuana River Valley; the possibility for El Nino storm events to bring above normal rain fall to the Southern California region; and the potential for additional sediment loads to discharge from the Border Fence Project are all factors contributing to the likelihood of flooding during the 2009 rainy season.
2. The Regional Board has reviewed the lead agency's exemption determination and also finds that the project as proposed is exempt from CEQA under 14 CCR § 15269 and therefore determines that issuance of this Certification is exempt from CEQA under 14 CCR § 15269.

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On October 6, 2009 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public (23 CCR .§ 3858).

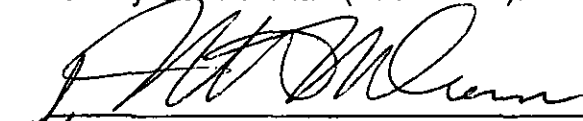
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

John Robertus
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-467-2953
jrobertus@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Tijuana River Valley Emergency Channel Maintenance (Project No. 09C-077) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Board's Water Quality Control Plan (Basin Plan).


JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

10/19/09
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Map
 5. Stream Photo Documentation Procedure

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: City of San Diego
Attention: Tony Heinrichs
9370 Chesapeake Drive, Suite 100
San Diego 92123
Telephone: 858-541-4325
Facsimile: 858-541-4350
Email: theinrichs@sandiego.gov

**Applicant
Representatives:** City of San Diego
Attention: Sumer Hasenin
9370 Chesapeake Drive, Suite 100
San Diego 92123
Telephone: 858-541-4330
Facsimile: 858-541-4350
Email: syhasenin@sandiego.gov

Project Name: Tijuana River Valley Emergency Channel Maintenance

Project Location: 2310 Hollister Street, San Diego California 92154, in the
Tijuana River Valley
Latitude: 32° 33' 05.05" N Longitude: 117° 05' 02.47" W

Type of Project: Channel Dredging

Need for Project: The project is a one time, emergency action to restore flood control facilities to reduce the chance of flooding and alleviate the severe imminent threat to life and property posed by 2009 winter storms in the Tijuana River Valley. The storms during the 2008 winter filled the Tijuana River Pilot Channel and Smugglers Gulch with debris and sediment. The National Oceanic and Atmospheric Administration is forecasting El Nino weather conditions for Southern California during the 2009 winter, which may bring above average rainfalls to the area. There is also the potential for additional sediment loads to be discharged from the Border Fence Project. These factors increase the potential risk for flooding in the Tijuana River Valley.

Project Description: The project is a one time, emergency action located just north of the International Border in the Tijuana River Valley. It is to dredge 5,400 liner feet of the Tijuana River Pilot Channel and 1,600 linear feet of Smuggler's Gulch; perform maintenance on a gabion rock mattress, access routes, and an erodible berm that runs along the north bank of the Pilot Channel; and also perform manual vegetation removal along the Northern Channel.

Tijuana River Valley
Emergency Channel Maintenance

09C-077

Federal Agency/Permit: U.S. Army Corps of Engineers §404, Individual Permit, Terry Dean

Other Required
Regulatory Approvals: California Department of Fish and Game, Emergency Notification,
Marilyn Fluharty

California Environmental
Quality Act (CEQA)
Compliance: Determination of Environmental Exemption, Statutory Exemption
section 15269 Emergency Projects, City of San Diego,
September 22, 2009.

Receiving Water: Tijuana River in the Tijuana Hydrologic Unit, Tijuana Valley
Hydrologic Area, San Ysidro Hydrologic Sub-Area (911.11)

Affected Waters of the
United States: Temporary impacts: 3.37 acres (6,000 linear feet) Wetlands
1.47 acres (1,500 linear feet) Streambed

Dredge Volume: Approximately 30,000 cubic yards of sediment will be removed from
the channels.

Related Projects
Implemented/to be
Implemented by the
Applicant(s): The sediment will be temporarily stockpiled at three separate
staging areas as described in the *Tijuana River Valley Emergency
Channel Maintenance Project Description*, (City of San Diego,
October 1, 2009). Management of the stockpiles will at all times
comply with the Regional Board Order R9-2007-0104 Conditional
Waivers of Waste Discharge Requirements for Specific Types of
Discharge within the San Diego Region, Conditional Waiver 8.

Compensatory
Mitigation: Mitigation for the one time, emergency actions, which has the
potential to spread exotic invasive species within, adjacent to, and
downstream from the project footprint that will result in temporary
impacts to 3.37 acres (6,000 linear feet) of wetlands and 1.47 acres
(1,500 linear feet) of streambed must be achieved at a 1:1 ratio with
the eradication of exotic invasive species within the project foot
print.

Mitigation Location: 2310 Hollister Street, San Diego California 92154,
in the Tijuana River Valley
Latitude: 32° 33' 05.05" N Longitude: 117° 05' 02.47" W

Best Management
Practices (BMPs): Implementation of BMPs includes having a designated monitoring
person on site to ensure proper application of BMPs on a daily
basis. The City of San Diego's Water Quality Plan (October 1,
2009) describes proposed BMPs for erosion controls, sediment
controls, materials management and good housekeeping
measures. BMPs for stockpiles temporarily stored at the staging
areas must at all times comply with R9-2007-0104 Conditional
Waivers of Waste Discharge Requirements for Specific Types of
Discharge within the San Diego Region.

CIWQS: Regulatory Measure ID: 371693
Place ID: 745397
Party ID: 5020071

Mr. Terry Dean
U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
6010 Hidden Valley Rd, Ste 105
Carlsbad, California 92011

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

U.S. Environmental Protection Agency, Region 9
Wetlands Regulatory Office
R9-WTR8-Mailbox@epa.gov

Kathleen Brubaker
U.S. Department of the Interior
Fish and Wildlife Service
kathleen_brubaker@fws.gov

David Zoutendyk
U.S. Department of the Interior
Fish and Wildlife Service
david_zoutendyk@fws.gov

**Attachment 3
Location Map**

Orange County

Riverside County

Fallbrook

Camp Pendleton

Oceanside

Carlsbad

Vista

San Marcos

Valley Center

Escondido

Encinitas

Rancho Santa Fe

Rancho Bernardo

Ramona

Del Mar

Mira Mesa

Poway

Santee

La Jolla

San Diego

Coronado

Imperial Beach

Chula Vista

Olay Mesa

Tijuana

Mexico

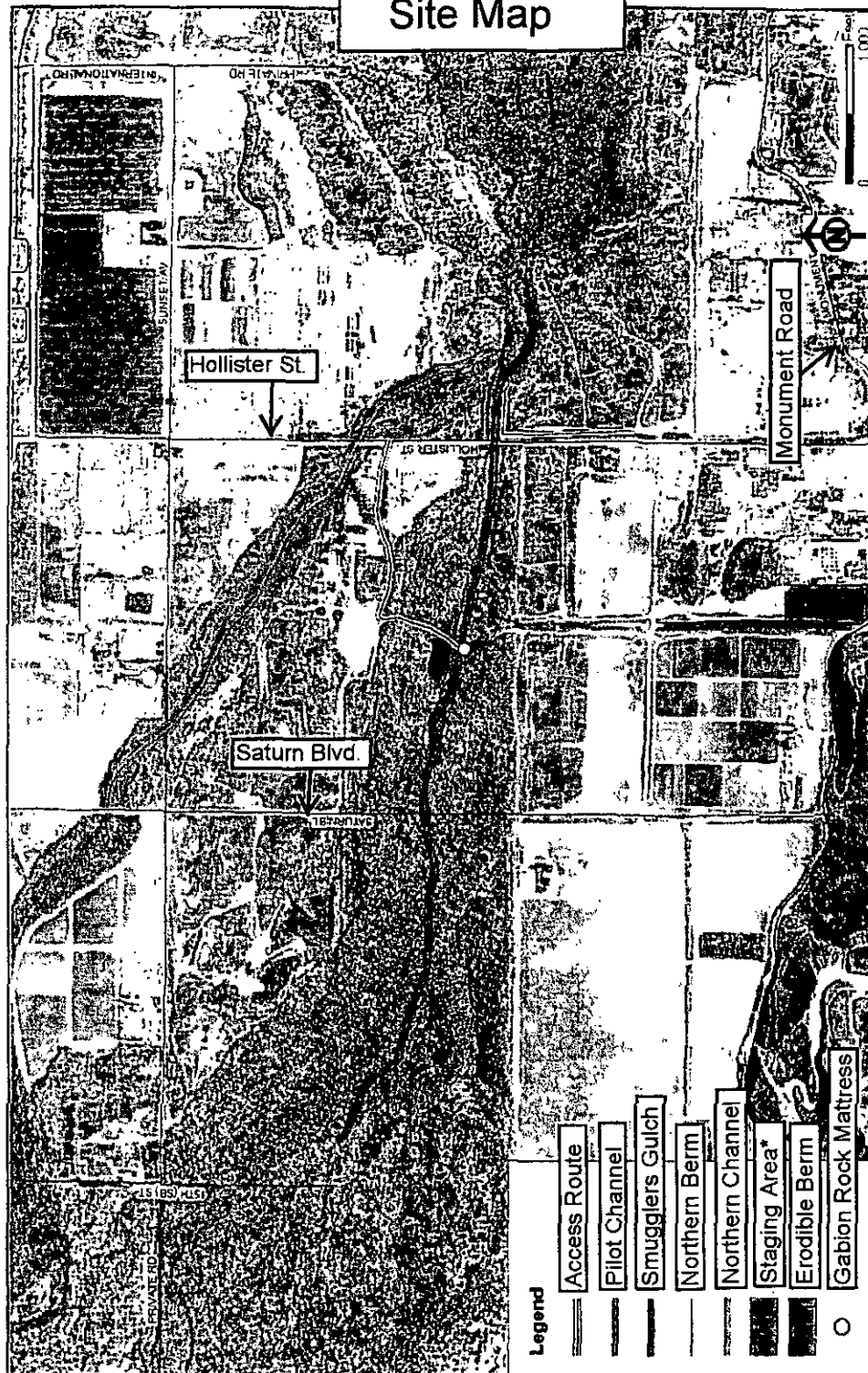
Alpine

Project Site

0 8 Miles

FIGURE
1

Attachment 4 Site Map



* Final staging areas for temporary storage of dredged stockpiles is documented in the *Tijuana River Valley Emergency Channel Maintenance Project Description*, City of San Diego, October 1, 2009.

Figure 3. Components of the Tijuana River Pilot Channel Maintenance Dredging Project.

Optional:

- GPS unit
- Stadia rod (for scale on landscape shots)
- Ruler (for scale on close up views of streams and vegetation)
- Steel fence posts for dedicating fixed photo points in the absence of available fixed landmarks

How to Access Aerial Photographs:

Aerial Photos can be obtained from the following federal agencies:

USGS Earth Science Information Center
507 National Center
12201 Sunrise Valley Drive
Reston, VA 22092
800-USA-MAPS

USDA Consolidated Farm Service Agencies
Aerial Photography Field Office
222 West 2300 South
P.O. Box 30010
Salt Lake City, UT 84103-0010
801-524-5856

Cartographic and Architectural Branch
National Archives and Records Administration
8601 Adelphi Road
College park, MD 20740-6001
301-713-7040

Roles and Duties of Team:

The team should be comprised of a minimum of two people, and preferably three people for restoration or other water quality improvement projects, as follows:

1. Primary Photographer
2. Subject, target for centering the photo and providing scale
3. Person responsible for determining geographic position and holding the photo sign forms or blackboard.

One of these people is also responsible for taking field notes to describe and record photos and photo points.

Safety Concerns:

Persons involved in photo monitoring should **ALWAYS** put safety first. For safety reasons, always have at least two 2 volunteers for the survey. Make sure that the area(s) you are surveying either are accessible to the public or that you have obtained permission from the landowner prior to the survey.

Some safety concerns that may be encountered during the survey include, but are not limited to:

- Inclement weather
- Flood conditions, fast flowing water, or very cold water
- Poisonous plants (e.g.: poison oak)
- Dangerous insects and animals (e.g.: bees, rattlesnakes, range animals such as cattle, etc.)
- Harmful or hazardous trash (e.g.: broken glass, hypodermic needles, human feces)

We recommend that the volunteer coordinator or leader discuss the potential hazards with all volunteers prior to any fieldwork.

General Instructions:

From the inception of any photo documentation project until it is completed, always take each photo from the same position (photo point), and at the same bearing and vertical angle at that photo point. Photo point positions should be thoroughly documented, including photographs taken of the photo point. Refer to copies of previous photos when arriving at the photo point. Try to maintain a level (horizontal) camera view unless the terrain is sloped. (If the photo can not be horizontal due to the slope, then record the angle for that photo.) When photo points are first being selected, consider the type of project (meadow or stream restoration, vegetation management for fire control, ambient or event monitoring as part of a stream walk, etc.) and refer to the guidance listed on *Suggestions for Photo Points by Type of Project*.

When taking photographs, try to include landscape features that are unlikely to change over several years (buildings, other structures, and landscape features such as peaks, rock outcrops, large trees, etc.) so that repeat photos will be easy to position. Lighting is, of course, a key ingredient so give consideration to the angle of light, cloud cover, background, shadows, and contrasts. Close view photographs taken from the north (i.e., facing south) will minimize shadows. Medium and long view photos are best shot with the sun at the photographer's back. Some artistic expression is encouraged as some photos may be used on websites and in slide shows (early morning and late evening shots may be useful for this purpose). Seasonal changes can be used to advantage as foliage, stream flow, cloud cover, and site access fluctuate. It is often important to include a ruler, stadia rod, person, farm animal, or automobile in photos to convey the scale of the image. Of particular concern is the angle from which the

photo is taken. Oftentimes an overhead or elevated shot from a bridge, cliff, peak, tree, etc. will be instrumental in conveying the full dimensions of the project. Of most importance overall, however, is being aware of the goal(s) of the project and capturing images that clearly demonstrate progress towards achieving those goal(s). Again, reference to *Suggestions for Photo Points by Type of Project* may be helpful.

If possible, try to include a black board or yellow photo sign in the view, marked at a minimum with the location, subject, time and date of the photograph. A blank photo sign form is included in this document.

Recording Information:

Use a systematic method of recording information about each project, photo point, and photo. The following information should be entered on the photo-log forms (blank form included in this document) or in a dedicated notebook:

- Project or group name, and contract number (if applicable, e.g., for funded restoration projects)
- General location (stream, beach, city, etc.), and short narrative description of project's habitat type, goals, etc.
- Photographer and other team members
- Photo number
- Date
- Time (for each photograph)
- Photo point information, including:
 - Name or other unique identifier (abbreviated name and/or ID number)
 - Narrative description of location including proximity to and direction from notable landscape features like roads, fence lines, creeks, rock outcrops, large trees, buildings, previous photo points, etc. – sufficient for future photographers who have never visited the project to locate the photo point
 - Latitude, longitude, and altitude from map or GPS unit
- Magnetic compass bearing from the photo point to the subject
- Specific information about the subject of the photo
- Optional additional information: a true compass bearing (corrected for declination) from photo point to subject, time of sunrise and sunset (check newspaper or almanac), and cloud cover.

For ambient monitoring, the stream and shore walk form should be attached or referenced in the photo-log.

When monitoring the implementation of restoration, fuel reduction, or Best Management Practices (BMP) projects, include or attach to the photo-log a

narrative description of observable progress in achieving the goals of the project. Provide supplementary information along with the photo, such as noticeable changes in habitat, wildlife, and water quality and quantity.

Archive all photos, along with the associated photo-log information, in a protected environment.

The Photo Point: Establishing Position of Photographer:

1. Have available a variety of methods for establishing position: maps, aerial photos, GPS, permanent markers and landmarks, etc. If the primary method fails (e.g., a GPS or lost marker post) then have an alternate method (map, aerial photo, copy of an original photograph of the photo-point, etc).
2. Select an existing structure or landmark (mailbox, telephone pole, benchmark, large rock, etc.), identify its latitude and longitude, and choose (and record for future use) the permanent position of the photographer relative to that landmark. Alternatively, choose the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the photographer.
3. For restoration, fuel reduction, and BMP projects, photograph the photo-points and carry copies of those photographs on subsequent field visits.

Determining the Compass Bearing:

1. Select and record the permanent magnetic bearing of the photo center view. You can also record the true compass bearing (corrected for declination) but do not substitute this for the magnetic bearing. Include a prominent landmark in a set position within the view. If possible, have an assistant stand at a fixed distance from both the photographer and the center of the view, holding a stadia rod if available, within the view of the camera; preferably position the stadia rod on one established, consistent side of the view for each photo (right or left side).
2. Alternatively, use the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the focal point (photo center).
3. When performing ambient or event photo monitoring, and when a compass is not available, then refer to a map and record the approximate bearing as north, south, east or west.

Suggestions for Photo Points by Type of Project:

Ambient or Event Monitoring, Including Photography Associated with Narrative Visual Assessments:

1. When first beginning an ambient monitoring program take representative long and/or medium view photos of stream reaches and segments of shoreline being monitored. Show the positions of these photos on a map, preferably on the stream/shore walk form. Subjects to be photographed include a representative view of the stream or shore condition at the beginning and ending positions of the segment being monitored, storm drain outfalls, confluence of tributaries, structures (e.g., bridges, dams, pipelines, etc.).
2. If possible, take a close view photograph of the substrate (streambed), algae, or submerged aquatic vegetation.
3. Time series: Photographs of these subjects at the same photo points should be repeated annually during the same season or month if possible.
4. Event monitoring refers to any unusual or sporadic conditions encountered during a stream or shore walk, such as trash dumps, turbidity events, oil spills, etc. Photograph and record information on your photo-log and on your Stream and Shore Walk Visual Assessment form. Report pollution events to the Regional Board. Report trash dumps to local authorities.

All Restoration and Fuel Reduction Projects – Time Series:

Take photos immediately before and after construction, planting, or vegetation removal. Long term monitoring should allow for at least annual photography for a minimum of three years after the project, and thereafter at 5 years and ten years.

Meadow Restoration:

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing an overlapping sequence of photos illustrating a long reach of stream and meadow (satellite photos, or hill close by, fly-over, etc.)
3. Long view up or down the longitudinal dimension of the creek showing riparian vegetation growth bounded on each side by grasses, sedges, or whatever that is lower in height

4. Long view of conversion of sage and other upland species back to meadow vegetation
5. Long view and medium view of streambed changes (straightened back to meandering, sediment back to gravel, etc.)
6. Medium and close views of structures, plantings, etc. intended to induce these changes

Stream Restoration/stabilization:

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long-view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view up or down the stream (from stream level) showing changes in the stream bank, vegetation, etc.
4. Long view and medium view of streambed changes (thalweg, gravel, meanders, etc.)
5. Medium and close views of structures, plantings, etc. intended to induce these changes.
6. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 3 and 4 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

Vegetation Management for Fire Prevention ("fuel reduction"):

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view (wide angle if possible) showing the project area or areas. Preferably these long views should be from an elevated vantage point.

- ### Stream Sediment Load or Erosion Monitoring:

- ~~CONFIDENTIAL~~

Project:
Location:
Date:
Photographer:
Team members:

[illegible]

General Notes or Comments (weather, cloud cover, time of sunrise and sunset, other pertinent information):

PHOTO SIGN FORM: Print this form on yellow paper. Complete the following information for each photograph. Include in the photographic view so that it will be legible in the finished photo.

Location:

Subject Description:

Date:

Time:

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <div>A. Signature</div> <div><input type="checkbox"/> Agent</div> </div> <div style="display: flex; justify-content: space-between;"> <div>X</div> <div><input type="checkbox"/> Addressee</div> </div> </div>
<p>1. Article Addressed to:</p> <div style="font-family: cursive; font-size: 1.2em; margin-top: 20px;"> Tony Heinrichs City of SAN DIEGO 9370 Chesapeake Dr Sk100 SAN DIEGO CA 92123 </div>	<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <div>B. Received by (<i>Printed Name</i>)</div> <div>C. Date of Delivery</div> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes</p> <p style="margin-left: 20px;">If YES, enter delivery address below: <input type="checkbox"/> No</p> </div> </div>
<p>2. Article Number</p> <p style="margin-left: 20px;">(<i>Transfer from service label</i>)</p>	<div style="border: 1px solid black; padding: 5px;"> <p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div><input checked="" type="checkbox"/> Certified Mail</div> <div><input type="checkbox"/> Express Mail</div> </div> <div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Registered</div> <div><input type="checkbox"/> Return Receipt for Merchandise</div> </div> <div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Insured Mail</div> <div><input type="checkbox"/> C.O.D.</div> </div> </div>
<div style="display: flex; justify-content: space-between;"> <div>4. Restricted Delivery? (<i>Extra Fee</i>)</div> <div><input type="checkbox"/> Yes</div> </div>	
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PS Form 3800 August 2006

See Reverse for Instructions